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Paper No. 12

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In re Application of: Iwara Morihiro et al.	)	
Application No. 09/369,327	)	
Filed: August 6, 1999	)	
For: PARALLEL DATABASE SYSTEM	)	<b>DECISION ON PETITION</b>
RETRIEVAL METHOD	)	<b>UNDER 37 CFR § 1.181 TO</b>
		<b>INVOKE SUPERVISORY</b>
		<b>AUTHORITY</b>

This is a decision on the petition, filed July 18, 2001, under 37 CFR §1.181(a) to invoke Supervisory Authority with respect to the Office action (Paper No. 10) mailed on July 3, 2001 and require the Examiner to issue a new more complete action with the period of response to run from the new mailing.

**RECENT PROSECUTION BACKGROUND**

- February 7, 2001 - Office action mailed. Examiner enters the following art rejections: (1) claims 36-46, under 102(e), based on Lin; (2) claims 47-48, under 103(a), based on Lin in view of Lomet; and (3) claims 49-53, under 102(e), based on Carino. [Paper No. 8]
- April 30, 2001 - Petitioner files response amending claims 36-44 and 49, and presenting arguments to traverse the art rejections. [Paper No. 9]
- July 3, 2001 - Final rejection mailed. Examiner enters the following art rejections: (1) claims 36-42, under 102(b), based on Gerull; (2) claims 43-46, under 102(e), based on Lin; (3) claims 47-48, under 103(a), based on Lin in view of Lomet; and (4) claims 49-53, under 102(e), based on Carino. [Paper No. 10]
- July 18, 2001 - Petition filed under 37 C.F. R. § 1.181(a).

**DECISION**

Petitioner filed the instant petition on July 18, 2001 contending that the final rejection issued by the Examiner in Paper No. 10 is not complete because it failed to address petitioners argument between pages 4-10 of his remarks filed July 3, 2001 (Paper No. 9).

Petitioner cites the general statements of paragraphs 28-30 of the Office action as a representation that the examiner did not take note of and answer applicant's arguments. Petitioner relies on MPEP 707.07(f) which states:

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

On this basis, petitioner contends that the Office action is incomplete and requests that the Examiner be ordered to issue a new and complete action.

### ANALYSIS

The question to be addressed is whether the Examiner responded to the substance of Applicant's traversals. Applicant's traversals can be grouped as follows:

- A. Arguments as to features in Newly Amended claim 36 which Applicant contends are not in Lin as applied to old claim 36. [Pages 6-7]
- B. Arguments traversing the rejection of claims 47-48 under 103(a) based on Lin in view of Lomet stating "since this rejection is predicated upon the correctness of the rejection of claims 36-46 based on Lin ..., Applicants respectfully traverse *for the same reasons discussed above*". [Emphasis added]
- C. Arguments traversing the 102(e) rejection of claims 49-53 based on Carino. [Pages 7-9]

A careful reading of the final rejection indicates the Examiner has responded to each argument presented by Applicant. Specifically:

- A. Applicant has completely rewritten independent claim 36 and argues that the newly presented claim features are not present in Lin. In response to the arguments based on the new features the Examiner *dropped the rejection based on Lin* and entered a *new rejection based on Gerull*. The statement of the rejection based on Gerull, which is laid out in detail in paragraphs 12-14 of the Office action addresses each of the argued features. (See attachment)
- B. Applicant relies solely on the previous arguments having overcome the rejection of claims 43-46 based on Lin. However, as all arguments were directed to newly added features of claim 36 which were not added to independent claims 43 and 46. Thus, there were no arguments (with or without substance) presented with respect to the rejections of claims 43-46 over Lin and 47-48 over Lin in view of Lomet. The Examiner's response in paragraphs 29 and 31 pointing out that the maintained rejections meet all claim elements is sufficient.
- C. Applicant presents 2 arguments with respect to Carino:

(i) In Carino '841, the database management system is holding location information (MOL, MOID, etc) of ADT data value (ADT object data) in a database server (object server 212), but it is NOT referring to the database server, when retrieving the ADT data value with SELECT command. It is referring to the database server (object server 212), when storing the ADT data value with INSERT command. [page 8, line 16-20]

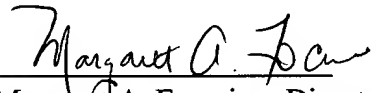
(ii) In contradiction, Applicants' claims 49-53 require the second server 12 (i.e., front-end server 12 as shown in FIG. 1) which operates the ADT data (attribute value 129) to differ from the first servers 13 (database operation servers) which store the ADT data value. [page 9, line 3-5]

The examiner addresses these argument by (a) identifying the elements which meet the claim language in paragraph number 19 of the Office action, specifically on page 8, lines 3-11. Examiner makes the further point in the second full paragraph of page 13 that Applicant is arguing features not claimed and as such they do not distinguish over the art.

#### CONCLUSION

The Office action of July 3, 2001 (Paper No. 10) responds fully to Applicant's substantial traversals and is consistent with Office policy and practice. Accordingly, the Petition is **DENIED**.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

  
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### ATTACHMENT

This sheet identifies Applicant's arguments with respect to claim 36 and where the Examiner responded.

Note: Applicant has completely canceled and re-written Claim 36, paper no. # 9.

**Argument 1:** page 6, line 1-2:

In Lin '321, when retrieving data (whether it is ADT data or not), the database system is NOT holding location information which indicates position of the data value

**Response:** Examiner's Office action: Page 4, line 7-10.

**Argument 2:** page 6, line 9-10:

Certainly, such checked information is NOT used for reading data using the information, when operating data in the manner described in Applicants' claim 36.

**Response:** Examiner's Office action: Page 4, line 14-17.

**Argument 3:** page 6, line 10-12:

In addition, the subquery as described by Lin '321 is completely different from ADT attribute data value (partial data, sub data) as defined in Applicants' claim 36.

**Response:** Examiner's Office action: Page 4, line 17-18.

**Argument 4:** page 6, line 13-14:

Clearly, there is no disclosure from Lin '321 of the Applicants' "ADT data including a plurality of attribute values"

**Response:** Examiner's Office action: Page 3, para 12, line 4-7, Page 4, line 1-4.

**Argument 5:** page 6, line 15:

location information which indicates location of said ADT data in said database server.

**Response:** Examiner's Office action: Page 4, line 4-10.